

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-4001 AHM (JCx)	Date	May 20, 2009
Title	AVELARDE v. HOU, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes	Not Reported	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:	

Proceedings: IN CHAMBERS (No Proceedings Held)

This case is currently set for a trial on June 16, 2009 and there is a pre-trial conference scheduled for June 1, 2009. No dispositive motions have been filed by any party since the Complaint was filed on June 18, 2008. On May 18, 2009, Plaintiff's attorney, Anthony Jenkins, filed a Status Report Re Settlement stating that "Defendants made a settlement offer which expired May 15, 2009. Plaintiff's counsel lost contact with Plaintiff approximately four weeks ago."

The Court likely will dismiss this case for non-prosecution if it appears that Plaintiff is unwilling or unprepared to comply with the pre-trial and trial requirements that are looming. The Court therefore **ORDERS** Mr. Jenkins to file, by not later than May 26, 2009, a declaration setting forth all of the efforts he has made to contact Plaintiff. The declaration must also explain whether Mr. Jenkins intends to proceed on behalf of Plaintiff in the absence of any client contact, and, if so, how.

Defendants are **ORDERED** to notify the Court by not later than May 26, 2009 whether they are willing to re-open their settlement offer if Plaintiff resurfaces.

Initials of Preparer

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SMO